

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	CIVIL NO. 3:23-cv-00769
v.)	
)	
THE REAL PROPERTY LOCATED AT 8717)	
WINDSONG DRIVE, CHARLOTTE, NORTH)	DEFAULT JUDGMENT
CAROLINA, MORE PARTICULARLY)	
DESCRIBED IN A DEED RECORDED AT)	
BOOK 10641, PAGE 151 IN THE)	
MECKLENBURG COUNTY REGISTER OF)	
DEEDS)	

THIS MATTER having come before the Court upon the Government's Motion for Entry of Default Judgment, (Doc. No. 5). Review of the pleadings reveals the Clerk of Court has previously entered Default, (Doc. No. 4), that Notice of the proceeding has been provided in accordance with law, that no claims against Defendant have been filed, that the requested Default Judgment is for sum certain, and that the United States of America is now entitled to all right, title, and interest in the Defendant Property, the Court enters the following Default Judgment.

BACKGROUND

On November 15, 2023, the United States filed a Complaint, (Doc. No. 1), against the Defendant Property captioned above. The Complaint alleged that the Defendant Property was or has been used or intended to be used to commit certain violations of the Controlled Substances Act, 21 U.S.C. §§ 801 et. seq. and/or otherwise constitutes proceeds, or is otherwise derived from proceeds traceable to, certain offenses in violation of the Controlled Substances Act, 21 U.S.C. §§ 801 et. seq.

From November 21, 2023, through December 20, 2023, pursuant to Federal Rules of Civil Procedure, Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,

Rule G(4)(a)(iv)(C), the Government provided Notice by Publication, (Doc. No. 2), of this action on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days. Further, on November 15, 2023, the Government mailed direct notice, (Doc. No. 2), of the Complaint to Jimmie McMillian and Helen McMillian, individuals who the United States determined reasonably appeared to be potential petitioners who might assert interests in the property. Subsequently, the United States identified a typographical error in the Notice sent on November 15, 2023. Thus, in an abundance of caution, on November 28, 2023, the United States corrected the error and sent a second Notice to Jimmie McMillian and Helen McMillian. (Doc. No. 5, Ex. A).

After Federal Express confirmed delivery of the second Notice, the Government received a telephone call from Helen McMillian. Ms. McMillian verbally confirmed to an Assistant United States Attorney that she had received the Complaint for Forfeiture *in rem* and inquired about what she should do. The AUSA advised Ms. McMillian that the Government could not give her legal advice, that she should review the Notice that she received from the Government, and that she should consult with an attorney of her choosing. The Government advises that it is not aware of any additional efforts by Ms. McMillian to contact the U.S. Attorney's Office.

Notice of forfeiture of this property has been properly published and directly provided, there are no claims as to the property, and the time for filing claims has expired.

ORDER

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED that the Government's Motion for Default Judgment, (Doc. No. 5), is GRANTED and DEFAULT JUDGMENT is ENTERED in favor of the United States of America and against the Defendant Real Property, providing that all right, title, and interest of all persons in the world in or to the **REAL**

PROPERTY which is located at 8717 Windsong Drive, Charlotte, North Carolina, more particularly described in a deed recorded at Book 10641, Page 151 of the Mecklenburg County Register of Deeds is hereby forfeited to the United States of America; no other right, title, or interest shall exist therein; and the United States may convey title to the Defendant Property.

SO ORDERED.

Signed: April 9, 2024



Robert J. Conrad, Jr.
United States District Judge

